

**REMARKS**

Claims 1-20 are all the claims pending in the application.

Applicants thank the Examiner for accepting the drawings filed on December 3, 2001.

The title has been objected to by the Examiner.

The abstract has been objected to by the Examiner.

Claims 1, 4, 5 and 18 are rejected under 35 U.S.C. § 103(a) as being unpatentable over (U.S. Patent No. 4,672,536) issued to Giroir et al. in view of common knowledge in the art.

Claims 2, 3 and 10 are rejected under 35 U.S.C. § 103(a) as being unpatentable over (U.S. Patent No. 4,672,536) issued to Giroir et al. in view of common knowledge in the art as applied to claim 1 above, and further in view of (U.S. Patent No. 5,862,356) issued to Normoyle et al.

Claims 6-9, 11-17, 19 and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The Applicants traverse the rejections and request for reconsideration.

***Formal Matters***

The title has been found to be allegedly non descriptive. The Applicants replace the title with a new title.

The abstract has been objected to because of the word “said” in lines 3 and 7. Applicants respectfully amend the abstract to overcome the objection.

***Claim rejections under 35 U.S.C. § 103(a)***

Claims 1, 4, 5 and 18 are rejected under 35 U.S.C. § 103(a) as being unpatentable over (U.S. Patent No. 4,672,536) issued to Giroir et al. in view of common knowledge in the art.

Claims 2, 3 and 10 are rejected under 35 U.S.C. § 103(a) as being unpatentable over (U.S. Patent No. 4,672,536) issued to Giroir et al. in view of common knowledge in the art as applied to claim 1 above, and further in view of (U.S. Patent No. 5,862,356) issued to Normoyle et al.

The Examiner has rejected independent claims 1 and 18 based on Giror. The Applicants respectfully submit that Giror suggests a completely different technique for allocating resources. In Giror, the allocation is based on the age of the request and the priority of the unit. This means that, in Giror, the unit with the highest priority whose request is the oldest will be allocated the resource. In the present invention, as recited in claims 1 and 18, a probabilistic approach is used. Specifically, in the present invention, all the units that need a resource are allocated lottery tickets. After that a probabilistic approach, which is weighted based on the number of lottery tickets, is used to select a unit from among the units that requested the resource.

In fact Giror suggests a completely deterministic approach. By using such a deterministic approach, it teaches away from the present invention, as recited in claims 1 and 18 which uses a weighted probabilistic approach.

Claims 2-5, and 10 are dependant on claim 1. Therefore, they should be allowable for at least the same reasons. Further, the secondary reference Normoyle does not overcome the deficiency noted above in the teachings of Giror.

***Objected claims***

Claims 6-9, 11-17, 19 and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The Applicants request the Examiner to hold the status of these claims in abeyance pending resolution of the status of the base claims on which they depend.

***Conclusion***

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Amendment under 37 C.F.R. § 1.111  
U.S. Application No.: 09/874,323

Attorney Docket No.: A7912

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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